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Durchwahl/Direct dial/
Ligne directe:

Zeichen/Reference/Référence

Datum/Date/Date

19. 09. 06

Dear Mr Bernstein,

**Ref.: Your e-mail to the President of the European Patent Office
and Mr A. Kendrick dated 1 August 2006**

In the above e-mail you alleged that false and misleading information was given to you by officials of the European Patent Office (EPO) and asked for disciplinary steps to be initiated against the staff members involved.

It appears that your allegation is unfounded, since the information contained in the letter dated 24 May 2005 was correct. In this regard your attention is drawn to the fact that there is a fundamental distinction between disciplinary measures against staff members of the EPO and those against professional representatives (European patent attorneys).

Professional representatives are members of the *epi* (Institute of professional representatives before the EPO) and bound by the *epi*'s Regulation on discipline for professional representatives (OJ EPO 1978, 91). They are not employees of the EPO. Complaints against professional representatives therefore have to be filed, pursuant to Article 6 of this Regulation, with the *epi*. On the other hand staff members of the EPO are bound by the provisions of the European Patent Convention and the Service Regulations which provide for specific disciplinary measures to be initiated by the appointing authority. Thus, they are not subject to the *epi*'s disciplinary scheme.

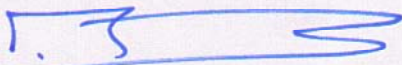
The procedure applied by the competent departments in handling your requests was fully in compliance with the provisions of the European Patent Convention and no irregularities occurred. Therefore, your allegations against staff members of the EPO are without substance and do not call for the above mentioned disciplinary measures to be initiated.

Regarding your pending European patent applications, I can only recommend you to comply with the requirements laid down in Article 133(2) EPC, i.e. to appoint a professional representative in order for you to receive any further communication from the competent departments.

Should you wish to receive paper copies of any European patent application you must file an appropriate request and pay the relevant administrative fee amounting to 35 Euros per application (see EPO OJ 2003, 370). However, as indicated in the Notice of information provided to you with the letter from the Legal Division dated 08 July 2005, access to online inspection is provided in the *epoline* area of the European Patent Office website free of charge (www.european-patent-office.org). In this regard I would like to point out that the paper version of the file contains exactly the same documents as the online version.

I hope that this information clarifies the situation.

Yours sincerely,



Wim van der Eijk
Principal Director

cc: Mr Chris Mercer, President of the *epi*